

REMARKS

Claims 1 through 19 are pending in this Application of which claims 1 through 11 stand withdrawn from consideration pursuant to the provisions of 37 C.F.R. § 1.142(b). Accordingly, claims 12 through 19 are active.

Claim 12 has been amended by incorporating the limitations of claim 20, indicated allowable, therein, and claim 20 canceled. Applicants submit that the present Amendment does not generate any new matter issue or any new issue for that matter. Moreover, the present Amendment clearly places the application in condition for allowance. Indeed, the present Amendment at least reduces the number of issues, for reasons expressed *infra* and, hence, clearly places the Application in better condition for Appeal. Accordingly, entry of the present Amendment and Remarks, and favorable consideration, are solicited pursuant to the provisions of 37 C.F.R. § 1.116.

Telephonic Interview of January 24, 2005

Applicants acknowledge, with appreciation, Examiner Lindsay's courtesy in conducting a brief telephonic interview on January 24, 2005. During that telephonic interview, Examiner Lindsay agreed that the present Amendment would place the Application in condition for allowance. The following comments are added for completeness.

Claims 12 through 15 were rejected under 35 U.S.C. § 103 for obviousness predicated upon Alluri et al. in view of Cheung.

This rejection is traversed. Applicants note that the limitations of claim 20 have been incorporated into independent claim 12, and claim 20 canceled. The Examiner indicated that claim 20 contained allowable subject matter. In addition, as previously mentioned, during the

Application No.: 10/617,451

previously argued deficiencies in the attempted combination of Alluri et al. and Cheung. Ergo, even if the applied references are combined as suggested by the Examiner, and Applicants do not agree that the requisite fact-based motivation has been established, the claimed invention would not result. *Uniroyal, Inc. v. Rudkin-Wiley Corp., supra.*


Applicants, therefore, submit that the imposed rejection of claims 16 through 19 under 35 U.S.C. § 103 for obviousness predicated upon Alluri et al. in view of Cheung is not factually or legally viable and, hence, solicit withdrawal thereof.

Based upon the foregoing it should be apparent that the imposed rejections have been overcome and that all active claims are in condition for immediate allowance. Favorable consideration is, therefore, solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 AJS:bjs:ntb
Facsimile: 202.756.8087
Date: January 26, 2005

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